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09/898,573	07/03/2001	Charles E. Reddick	36968-259627	2886

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/898,573

Applicant(s)

REDDICK ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to the application filed on 07/03/2001.

Claims 1-52 are pending in the application.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claims 1-34 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-17: Claims 1-17 are claiming an apparatus of a computer guide which is led by

Claim 1, where Claim recites limitations,

*"software program accessing instructions;*

*software program downloading instructions;*

*software program transferring instructions; and*

*mobile computer and telecommunication equipment connection instructions", which are the*

readable instructions in text format. These claimed limitations are merely claiming nonfunctional-

descriptive materials, "instructions". These text instructions are not performing any specific functions to result in a practical manner as set forth under 35 U.S.C 101.

Claim 1 further recites,

*"Wherein the software program accessing instructions; the software program downloading instructions;*

*the software program transferring instructions; and mobile computer and telecommunication equipment*

*connection instructions are accessible at a plurality of locations at the same time to a plurality of*

*technicians servicing the telecommunication equipment", which is merely claiming the instructions as*

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guiding in text format (instructions) stored in a network computer so that service technicians can access remotely. This further limitation is claiming the instructions stored and accessible by many service technicians. This limitation fail to remedy the deficiencies of the instructions as recited.

Thus, Claim 1 merely claiming the nonfunctional-descriptive materials. Such claiming fails to be in the technological or useful arts, and thus fails to recite patent eligible subject matters.

Claims 2-17 recite further instructions provided in the computer guide. The limitations of Claims 2-17 also fail to remedy the deficiencies of independent Claim 1.

According to the analysis above, Claims 1-17 are claiming non-functional descriptive materials.

See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036; merely claiming nonfunctional descriptive material stored in a computer-readable medium fails to meet 35 U.S.C 101 statutory subject matter.

As per claims 18-34: Claims 18-34 are claiming an apparatus of a computer guide which is led by Claim 18. Claim 18 recites: "*A computerized guide system for transferring software from a server in a network to telecommunications equipment in a remote location using a mobile computer, comprising:*

*instructions for accessing a software program on the server;*  
*instructions for downloading the software program from the server to the mobile computer; instructions for connecting the mobile computer to the telecommunications equipment; instructions for accessing the software program downloaded onto the mobile computer; and instructions for transferring the software program from the mobile computer to the equipment, wherein instructions for accessing, downloading, and transferring the software program are accessible at a plurality of locations at the same time to a plurality of technicians servicing the telecommunications equipment"*.

Claim 18 also recites the limitations that are identified as nonfunctional descriptive materials, "instructions". These instructions fail to perform functions toward a practical manner, but rather read by a service technician to perform a job. Such claiming fails to be in the technological or useful arts, and thus fails to recite patent eligible subject matters.

Claims 19-34 are further claiming the instructions in the computer guide. The limitations of Claims 19-34 fail to remedy the deficiencies of independent Claim 18.

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According to the analysis above, Claims 18-34 are also claiming non-functional descriptive materials. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036; merely claiming nonfunctional descriptive material stored in a computer-readable medium fails to meet 35 U.S.C 101 statutory subject matter.

4. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-52 is rejected under 35 U.S.C. 103(a) as being unpatentable over [www.Rogers.com](http://www.Rogers.com), "Portage™ Wireless Connectivity, Quick Start Guide (hereafter: Rogers), 10-2000.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per claim 1: Rogers discloses the instructions to allow a user or a service technician to follow steps in the Guide and websites to establish a connection (For example, re: Rogers, page 48) of mobile digital devices with a network, including connected instructions of the mobile computer and mobile phone, and

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instructions for downloading and installing suitable software into the mobile computer (For example, re: Rogers: page 51). Rogers provides the instructions that cover the claim limitations.

Rogers discloses, *A computerized guide system for transferring a software program from a server in a network to telecommunications equipment in a remote location using a mobile computer, comprising:*

*software program accessing instructions; software program downloading instructions; software program transferring instructions (see Page 51, second paragraph, "exciting wire application", and "visit [www.rogers.com/portage](http://www.rogers.com/portage)", and pages 51-52, 5 steps for how to connect to a remote network using a window CE); and*

*mobile computer and telecommunications equipment connection instructions wherein the software program accessing instructions, the software program downloading instructions, the software program transferring instructions, and the mobile computer and telecommunications equipment connection instructions are accessible at a plurality of locations at the same time to a plurality of technicians servicing the telecommunications equipment* (The guide shown by Rogers is an online guide that is accessible via internet. It consists of the instructions as cited, and because its instructions and figures are readable in text format; therefore, all users or service technicians who have the similar device installed with CE window can access the Guide and the Software at the Rogers web site at the same time).

Rogers does not expressly show instructions for how to connect between the mobile computer and a telecommunication equipment of a service technician, but rather shows the instructions for how to connect between a mobile phone and the mobile computer (see page 15-16, connection instructions between handheld computer and a mobile phone). Furthermore, the mobile computer (handheld computer) using CE window (Page 37) meets all necessary features of a standard personal computer. Rogers shows adapters/connectors at the backs of a mobile computer and including text instructions (Page 15). Such features comprise at least steps for connection to any adaptable communication equipments.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include instructions for guiding a particular service such as connecting

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telecommunications *equipment* to an output port of a mobile computer. Doing so would conform to a common standard of a web service which provides available online instructions and downloaded software, thereby it allows a person doing connection by following the instructions in its website without using a manual.

As per Claim 2: Rogers discloses "*The computerized guide system of claim 1, wherein each set of instructions further comprises self-guided instructions adapted for independent use by a technician*", for example, five steps in page 48, guide a technician/user to connect to a networks; fives steps in page 51-52 guide a technician/user to connect to a website which provide downloaded software.

As per Claim 3: Rogers discloses, "*The computerized guide system of claim 1, wherein at least one set of instructions further comprises a display of an icon*" (see page 27, second and third paragraph, "[www.palmn.com](http://www.palmn.com)", this web site provides source of software for downloading, furthermore, "Icons" are common used by a website for graphically indicating its type of software. For example, step 3, page 53, shows icons for indicating types of software used in the CE window).

As per Claim 4: Rogers discloses, "*The computerized guide system of claim 3, wherein the icon is associated with the software program and the at least one set of instructions further comprises a description of the software program associated with the icon*" inherently in the web contents in [www.palm.com](http://www.palm.com).

As per Claim 5: Regarding, "*The computerized guide system of claim 1, wherein the guide comprises a printed guide*", Rogers does not expressly show printer guide. However, printing guide uses very common in computer art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include printer guide for support all standard requirement of a guide; thus, it helps a person to know how to print.

As per Claim 6: Rogers discloses, "*The computerized guide system of claim 1, wherein the guide comprises an on-line guide*" (see page 3, Web Acceleration).

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As per Claim 7: Rogers discloses, "*The computerized guide system of claim 1, wherein the software program comprises an updated version of the software program*" (see page 27, second paragraph: "Palm OS with version 3.3 or higher").

As per Claim 8: Regarding "*The computerized guide system of claim 1, wherein the software program comprises a file transfer protocol software program, and the guide further comprises file transfer protocol software program instructions*", Rogers does not expressly show printer guide. However, the palm.com, and rogers.com are the websites that provides source of downloaded software.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a FTF application and its instruction for support users who need to upload their files to a server.

As per Claim 9: Rogers discloses, "*The computerized guide system of claim 1, wherein the network comprises an internal network, and the guide further comprises network dial-up connection instructions*" (see Pages 11-12, Dial-up Networking).

As per Claim 10: Rogers discloses, "*The computerized guide system of claim 1, further comprising server accessing instructions*" (see page 37-38).

As per Claim 11: Rogers discloses, "*The computerized guide system of claim 1, wherein the telecommunications equipment comprises a multiplexer*", from being inherent in the adaptor/I/O devices of a mobile computer. For example, the picture in page 15, shows a laptop with multiple I/Os in its back.

As per Claim 12: Rogers discloses, "*The computerized guide system of claim 1, wherein the software program accessing instructions further comprise software program instructions for the telecommunications equipment of a plurality of vendors*" (see page 34, second paragraph, "exciting wireless applications" ("*program instructions for the telecommunications equipment*") that can download to enhance your Palm user experience").

As per Claim 13: Rogers discloses, "*The computerized guide system of claim 1, wherein the software program comprises a digital loop electronics software program*" (see page 34, second paragraph, "exciting wireless applications" ("*a digital loop electronics software program*") that can download to enhance your Palm user experience").

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As per Claim 14: Rogers discloses, "*The computerized guide system of claim 1, wherein the software program comprises a testing software program*" (see page 34, second paragraph, "exciting wireless applications" ("a testing software program") that can download to enhance your Palm user experience").

As per Claim 15: Regarding, "*The computerized guide system of claim 1, wherein the software program accessing instructions further comprise mobile computer tool software program instructions*": Rogers does not explicitly show accessing instructions *comprise mobile computer tool software program instructions*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a various instructions such as *mobile computer tool software program instructions* for including as many instructions as a guide could provide, and thus the guide would have more information to assist a user.

As per Claim 16: Regarding, "*The computerized guide system of claim 1, wherein the software program accessing instructions further comprise mobile computer radio servicing software program instructions*": Rogers does not explicitly show accessing instructions *comprise mobile computer radio servicing software program instructions*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a various instructions such as *mobile computer radio servicing software program instructions* for including as many instructions as a guide could provide, and thus the guide would have more information to assist a user.

As per Claim 17: Regarding, "*The computerized guide system of claim 1, wherein the software program accessing instructions further comprise telecommunications equipment servicing job aid software program instructions*": Rogers does not explicitly show accessing instructions *further comprise telecommunications equipment servicing job aid software program instructions*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a various instructions such as *telecommunications equipment servicing job aid software program instructions* for including as many instructions as a guide could provide, and thus the guide would have more information to assist a user.

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As per Claim 18:

Claim 18 recites the limitations, "A computerized guide system for transferring software from a server in a network to telecommunications equipment in a remote location using a mobile computer, comprising:

*instructions for accessing a software program on the server;*

*instructions for downloading the software program from the server to the mobile computer;*

*instructions for connecting the mobile computer to the telecommunications equipment;*

*instructions for accessing the software program downloaded onto the mobile computer; and*

*instructions for transferring the software program from the mobile computer to the equipment, wherein*

*instructions for accessing, downloading, and transferring the software program are accessible at a*

*plurality of locations at the same time to a plurality of technicians servicing the telecommunications*

*equipment", in such manners as recited in Claim 1. Therefore Claim 18 is rejected in the same reason*

*set forth in connecting to the rejection of Claim 1.*

As per Claim 19: Limitation of Claim 19 is recited in such manners as recited in Claim 2. Therefore, Claim 19 is rejected in the same reason set forth in connecting to the rejection of Claim 2.

As per Claim 20: Limitation of Claim 20 is recited in such manners as recited in Claim 3. Therefore, Claim 20 is rejected in the same reason set forth in connecting to the rejection of Claim 3.

As per Claim 21: Limitation of Claim 21 is recited in such manners as recited in Claim 4. Therefore, Claim 21 is rejected in the same reason set forth in connecting to the rejection of Claim 4.

As per Claim 22: Limitation of Claim 22 is recited in such manners as recited in Claim 5. Therefore, Claim 22 is rejected in the same reason set forth in connecting to the rejection of Claim 5.

As per Claim 23: Limitation of Claim 23 is recited in such manners as recited in Claim 6. Therefore, Claim 23 is rejected in the same reason set forth in connecting to the rejection of Claim 6.

As per Claim 24: Limitation of Claim 24 is recited in such manners as recited in Claim 7. Therefore, Claim 24 is rejected in the same reason set forth in connecting to the rejection of Claim 7.

As per Claim 25: Limitation of Claim 25 is recited in such manners as recited in Claim 8. Therefore, Claim 25 is rejected in the same reason set forth in connecting to the rejection of Claim 8.

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As per Claim 26: Limitation of Claim 26 is recited in such manners as recited in Claim 9. Therefore, Claim 26 is rejected in the same reason set forth in connecting to the rejection of Claim 9.

As per Claim 27: Limitation of Claim 27 is recited in such manners as recited in Claim 10. Therefore, Claim 27 is rejected in the same reason set forth in connecting to the rejection of Claim 10.

As per Claim 28: Limitation of Claim 28 is recited in such manners as recited in Claim 11. Therefore, Claim 28 is rejected in the same reason set forth in connecting to the rejection of Claim 11.

As per Claim 29: Limitation of Claim 29 is recited in such manners as recited in Claim 12. Therefore, Claim 29 is rejected in the same reason set forth in connecting to the rejection of Claim 12.

As per Claim 30: Limitation of Claim 30 is recited in such manners as recited in Claim 13. Therefore, Claim 30 is rejected in the same reason set forth in connecting to the rejection of Claim 13.

As per Claim 31: Limitation of Claim 31 is recited in such manners as recited in Claim 14. Therefore, Claim 31 is rejected in the same reason set forth in connecting to the rejection of Claim 14.

As per Claim 32: Limitation of Claim 32 is recited in such manners as recited in Claim 15. Therefore, Claim 32 is rejected in the same reason set forth in connecting to the rejection of Claim 15.

As per Claim 33: Limitation of Claim 33 is recited in such manners as recited in Claim 16. Therefore, Claim 33 is rejected in the same reason set forth in connecting to the rejection of Claim 16.

As per Claim 34: Limitation of Claim 34 is recited in such manners as recited in Claim 17. Therefore, Claim 34 is rejected in the same reason set forth in connecting to the rejection of Claim 17.

As per Claim 35: Claim 35 recites a method using the guide corresponding to the instructions and limitations of Claim 1. Therefore, Claim 35 is rejected in the same reason set forth in connecting to the rejection of Claim 1.

As per Claim 36: Claim 36 recites a method using the guide corresponding to the instructions and limitations of Claim 2. Therefore, Claim 36 is rejected in the same reason set forth in connecting to the rejection of Claim 2.

As per Claim 37: Claim 37 recites a method using the guide corresponding to the instructions and limitations of Claim 3. Therefore, Claim 37 is rejected in the same reason set forth in connecting to the rejection of Claim 3.

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As per Claim 38: Claim 38 recites a method using the guide corresponding to the instructions and limitations of Claim 4. Therefore, Claim 38 is rejected in the same reason set forth in connecting to the rejection of Claim 4.

As per Claim 39: Claim 39 recites a method using the guide corresponding to the instructions and limitations of Claim 5. Therefore, Claim 39 is rejected in the same reason set forth in connecting to the rejection of Claim 5.

As per Claim 40: Claim 40 recites a method using the guide corresponding to the instructions and limitations of Claim 6. Therefore, Claim 40 is rejected in the same reason set forth in connecting to the rejection of Claim 6.

As per Claim 41: Claim 41 recites a method using the guide corresponding to the instructions and limitations of Claims 5-6. Therefore, Claim 41 is rejected in the same reason set forth in connecting to the rejection of Claims 5-6.

As per Claims 42-43: Claims 42-43 recite a method using the guide corresponding to the instructions and limitations of Claim 7. Therefore, Claims 42-43 are rejected in the same reason set forth in connecting to the rejection of Claim 7.

As per Claim 44: Claim 44 recites a method using the guide corresponding to the instructions and limitations of Claim 12. Therefore, Claim 44 is rejected in the same reason set forth in connecting to the rejection of Claim 12.

As per Claim 45: Claim 45 recites a method using the guide corresponding to the instructions and limitations of Claim 11. Therefore, Claim 45 is rejected in the same reason set forth in connecting to the rejection of Claim 11.

As per Claim 46: Claim 46 recites a method using the guide corresponding to the instructions and limitations of Claim 13. Therefore, Claim 46 is rejected in the same reason set forth in connecting to the rejection of Claim 13.

As per Claim 47: Claim 47 recites a method using the guide corresponding to the instructions and limitations of Claim 14. Therefore, Claim 47 is rejected in the same reason set forth in connecting to the rejection of Claim 14.

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As per Claim 48: Claim 48 recites a method using the guide corresponding to the instructions and limitations of Claim 15. Therefore, Claim 48 is rejected in the same reason set forth in connecting to the rejection of Claim 15.

As per Claim 49: Claim 49 recites a method using the guide corresponding to the instructions and limitations of Claim 16. Therefore, Claim 49 is rejected in the same reason set forth in connecting to the rejection of Claim 16.

As per Claim 50: Claim 50 recites a method using the guide corresponding to the instructions and limitations of Claim 17. Therefore, Claim 50 is rejected in the same reason set forth in connecting to the rejection of Claim 17.

As per Claim 51: Claim 51 recites a method using the guide corresponding to the instructions and limitations of Claim 1. Therefore, Claim 51 is rejected in the same reason set forth in connecting to the rejection of Claim 1.

As per Claim 52: Claim 52 recites a method using the guide corresponding to the instructions and limitations of Claims 11-12. Therefore, Claim 52 is rejected in the same reason set forth in connecting to the rejection of Claims 11-12.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Van Hoff et al.**, US No. 5,919,247, discloses a method for distributing software applications and data to client computers.

**Lamming et al.**, "Satchel: Providing Access to Any Document, Any Time, Anywhere", ACM 2000, discloses solutions to access electronic documents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be

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reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers:

(703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV

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April 30, 2004

  
**WEI Y. ZHEN**  
**PRIMARY PATENT EXAMINER**